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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,868	10/31/2003	James W. Barnwell	87245.1660	9025

7590 03/10/2005

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EXAMINER	
PHAM, MINH CHAU THI	
ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,868	Applicant(s) BARNWELL, JAMES W.	
	Examiner Minh-Chau T. Pham	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels (4,822,387).

Daniels teaches a filter (12) for removing liquids from a pressurized gaseous stream comprising a filter element (10) disposed in a body (12) defining an inner chamber and an inner chamber pressure (see col. 4, lines 26-50), a housing having the body disposed therein and an outer chamber (20) and an outer chamber pressure defined by the region outside the inner chamber (22) and inside the housing (see col. 4, lines 26-50), and a drain device (18) having an orifice in the inner chamber (22) and the outer chamber (20) for draining the liquids from both the inner chamber and the outer chamber from the filter (see Fig. 1) wherein the drain can be automatic float drain (drains 18 and 64) and manual drains (drain 74) (see col. 5, line 67 through col. 6, line 3). Daniels further teaches a method of filtering liquids from a pressurized gaseous stream comprising the steps of providing a filter element disposed in the body defining an inner chamber and an inner chamber pressure, housing the filter element in a housing, having the body disposed therein and an outer chamber and outer chamber pressure defined by a region outside the inner chamber and inside the housing, and draining liquids from both the inner chamber and the outer chamber from the filter

through the drain device having an orifice in the inner chamber and the outer chamber (see details of Fig. 1, col. 3, lines 6-17 and lines 53-54, col. 4, lines 27-50, col. 5, line 67 through col. 6, line 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, 10-12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (4,822,387), in view of either Alexander, III (Re. 35,433) or Kitchener (5,803,715).

Claims 4-6, 10-12 and 16-18 call for a drain having a spring loaded ball or valve. Alexander, III discloses a drainage for a coalescer air filter having a float valve controlled by differential pressure gradient in the air tube (see col. 2, line 64 through col. 3, line 8, col. 4, lines 8-59). Kitchener discloses a pressure valve (28) for a compressor controlled by the pressure achieved within the separator vessel wherein the valve is a spring loaded valve (see col. 6, lines 47-48 in particular, and see col. 2, line 64 through col. 3, line 1, col. 4, lines 38-57, col. 5, line 46 through col. 6, line 57). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a pressure valve as taught by either Alexander, III or Kitchener for the drain of Daniels to insure effective discharge of coalesced liquids from the drain in response to the action of controlled pressure float valve.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Overby (4,925,466) discloses a filter cartridge assembly.
- Maeda (5,145,497) discloses an in-line filter device for compressed air.
- Maeda (5,385,592) discloses a filter device for compressed air.
- Maeda (5,888,259) discloses a filter device for compressed air.
- Maeda (6,159,259) discloses a filter for compressed air.
- Maeda (4,848,989) discloses an in-line filter assembly.
- Maeda (4,897,094) discloses an in-line filter assembly.
- Ginder (6,581,297 B1) discloses a drying apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit : 1724
March 7, 2005